

*These notes refer to the Immigration and Asylum Act 1999
(c.33) which received Royal Assent on 11 November 1999*

IMMIGRATION AND ASYLUM ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 14: Consequential amendments

Sections 16 and 17: Provision of financial security

74. The powers that sections 16 and 17 will confer will enable the Government to give effect to the proposal in the White Paper to introduce a financial bond scheme for visitors to the United Kingdom. Under the proposed scheme, to be elaborated in immigration rules, if an entry clearance officer considering an application for entry clearance has any doubts about a visitor's intentions, the visitor may be invited to arrange for a sponsor in the United Kingdom to provide a financial security (eg a bond). The provision or otherwise of a security would be one of the factors the entry clearance officer would be able to take into account when deciding the application. Any security provided would be forfeited if the applicant did not leave the United Kingdom at the end of their visit, except where refugee status or leave on ECHR grounds was granted. A security would be requested only where the application for entry clearance was judged by the entry clearance officer to be borderline. It would not be relevant if the application clearly justified either the grant or refusal of entry clearance.
75. The Government announced in the White Paper that these powers will be used in the first instance to run a pilot scheme to test whether financial securities for visitors are an effective and practical measure. The Government is undertaking a consultation exercise with interested parties on the design of the pilot scheme and will assess the results of the pilot, which will be made public, to see if they justify wider use of the provisions. The scheme referred to above will be put in place by immigration rules under the powers conferred by these sections. It will be possible to extend these powers to those seeking entry to this country or permission to remain in categories other than visitors. However, there are currently no plans to do so.